

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
and Bernard L. Madoff,

Plaintiff,

v.

BANK VONTobel AG f/k/a BANK J.
VONTobel & CO. AG and VONTobel
ASSET MANAGEMENT INC.,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01202 (CGM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Dismiss the Complaint of Plaintiff Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Complaint”) [Dkt. 1], dated July 8, 2022, together with the Declaration of Gregory Hauser, dated July 8, 2022, and the exhibits attached thereto, and upon all prior pleadings and proceedings filed in this case, including the so-ordered Amended Stipulation and Order, dated June 13, 2022 [Dkt. 110], Defendant Bank Vontobel AG f/k/a Bank J. Vontobel & Co. AG will move this Court for an Order pursuant to Rules 12(b)(2) and/or 12(b)(6) of the Federal Rules of Civil

Procedure (“FRCP”) and Defendant Vontobel Asset Management Inc. will move this Court for an Order pursuant to FRCP Rule 12(b)(6), before the Honorable Cecelia G. Morris at the United States Bankruptcy Court for the Southern District of New York on a date and time to be determined by the Court, dismissing the Complaint and for such other and further relief as may be deemed just and proper.

PLEASE TAKE FURTHER NOTICE that oral argument is requested and, if granted, will be on a date and time to be designated by the Court.

Dated: New York, New York
July 8, 2022

WUERSCH & GERING LLP

/s/ Gregory F. Hauser

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